

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 Oscar A. Stanley,

4 Plaintiff

5 v.

6 J. Tremain, *et al.*,

7 Defendants

8 Case No. 3:21-cv-00200-LRH-CLB

9 ORDER GRANTING VOLUNTARY  
10 DISMISSAL AND DENYING AS MOOT  
11 APPLICATION TO PROCEED IN  
12 FORMA PAUPERIS13 **I. DISCUSSION**

14 Pro se Plaintiff Oscar Stanley filed an application to proceed *in forma pauperis* and  
 15 submitted a civil-rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) In screening  
 16 Stanley's Complaint, the Court dismissed it without prejudice and with leave to amend to  
 17 cure deficiencies identified in the Screening Order. (ECF No. 8.) The Court gave Stanley  
 18 30 days to file his amended pleading. (*Id.* at 7.) And it deferred ruling on Stanley's  
 19 application to proceed *in forma pauperis*. (*Id.*)

20 Stanley now files a motion for voluntary dismissal. (ECF No. 10.) Under Federal  
 21 Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by  
 22 filing "a notice of dismissal before the opposing party serves either an answer or a motion  
 23 for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Stanley's motion  
 24 to voluntarily dismiss this action because no responsive pleading has been filed in this  
 25 case. As such, the Court dismisses this action without prejudice. And it denies as moot  
 26 Stanley's application to proceed *in forma pauperis*, which means that Stanley will not be  
 27 required to pay the filing fee.

28 **II. CONCLUSION**

It is therefore ordered that Stanley's motion for voluntary dismissal (ECF No. 10) is granted.

It is further ordered that Stanley's application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

1 It is further ordered that this action is dismissed in its entirety without prejudice.  
2 It is further ordered that the Clerk of the Court will close this case and enter  
3 judgment accordingly.

4 Dated this 9<sup>th</sup> day of November, 2021.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE